

Lake Wylie Marine Commission
January 27, 2014
Good Samaritan United Methodist Church
Meeting Minutes



Commissioners Present: Vice Chairman Lynn Smith (Mecklenburg County)
Secretary Treasurer Ed Hull (York County)
Commissioner Robert Biggerstaff (Gaston County)
Commissioner Neil Brennan (Gaston County)
Commissioner Terry Everhart (Mecklenburg County)
Commissioner Howard Virkler (Mecklenburg County)
Commissioner Ron Wanless (York County)
Commissioner George Medler (York County)

Commissioner Absent: Chairman Brad Thomas (Gaston County)

LWMC Staff Present: Joe Stowe, Executive Director; Chris Clark, Legal Counsel;
Emily Parker, Clerk

Meeting Minutes

Item 1 – Welcome and Introductions

Vice Chairman Smith called the meeting to order at 7:00 pm and welcomed everyone present.

Item 2 – Consent Agenda

Vice Chairman Smith asked if any items on the Consent Agenda should be removed. A motion was made by Commissioner Virkler to approve the Consent Agenda. The motion was seconded by Commissioner Medler and it was approved unanimously.

Item 3 – Discussion of Items Removed from Consent Agenda (if any) – n/a

Item 4 – Public Comment – n/a

Item 5 – Stakeholder Reports

Charlotte Mecklenburg Police Department – Officer Stan Joye was present to address the group. He reported that there was an intentional drowning this year. Officer Terry Everhart is retiring this week, plus another officer retired recently. Officer Joye introduced the new supervisor, Lieutenant Andy Harris. Lt. Harris commented that he is a big supporter of Lake Wylie and is interested in keeping it safe. The LWMC has his support moving forward. He does not foresee any changes related to the CMPD's involvement with the LWMC and CMPD Lake Enforcement. CMPD should have a full staff by the time boating season opens. Executive Director Stowe said that it is important that the CMPD continue to attend the LWMC meetings and asked that they continue to do so.

SPLASH Report – Later in the meeting under Old Business, Commissioner Everhart updated the group on SPLASH. On December 7, SPLASH performed without issue in the Lake Wylie Elementary community winter parade.

Gaston County Police Department – Officer Hamrick reported on the growth happening all around the lake and specifically in the north end of the county near Tail Race Marina. The coming growth is causing concern around the lake, including in the Gaston County school system. On the topic of GCPD's new boat, Officer Hamrick and Officer Hord will fly to Seattle on March 28 for five days to receive training. Officer Hamrick provided photographs of the boat. He brought up the situation with the Mountain Island Lake Marine Commission (MILMC) being defunded by Gaston County in part due to the group not following law enforcement recommendations. Officer Hamrick said that while the MILMC could come back into effect, right now the defunding situation remains. He mentioned that the MILMC stepped up and provided funding to offset Officer Hamrick and Hord's expenses for traveling to the training. Back on the topic of the new boat, while delays have happened, no cost upgrades have also happened. The boat must be here by the end of April in time for training. Commissioner Brennan asked where the boat is being built. Officer Hamrick said in Seattle close to Vancouver, British Columbia, Canada. Executive Director Stowe asked how much time the new boat will spend on Lake Wylie and Mountain Island Lake and, if the MILMC dissolves will that impact how much time the GCPD spends patrolling Mountain Island Lake. Officer Hamrick responded that regardless of what happens with the MILMC, the GCPD will continue to have a presence on Mountain Island Lake. The new boat will stay primarily on Lake Wylie and might go to Mountain Island Lake maybe 10% of the time. The GCPD's small boat will likely stay on Mountain Island Lake.

York County Sheriff's Office – Sgt. Ed Ware reported that YCSO is having a boating safety class on March 15. He had flyers to distribute. He requested that marine commissioners tell people about the class at the Boat Show. Wood chips have been delivered to the law enforcement center. They have not been spread yet, but someone kindly volunteered to spread them. YCSO is trying to finish the budget process. Commissioner Medler commented that the Power Squadron is having a boater safety class on February 22. YCSO typically tries to coordinate boater safety classes with other agencies. Executive Director Stowe mentioned that Sgt. Ware has offered to continue to cut the grass, etc at the law enforcement center through 2014. Commissioner Medler made a motion to award Sgt. Ware the 2014 contract for cutting grass, etc. at the law enforcement center at the same rate as last year. Commissioner Everhart seconded the motion and it was approved unanimously.

NC Wildlife Resources Commission – No one was present to report.

SC Department of Natural Resources – No one was present to report.

US Coast Guard – No one was present to report.

Mecklenburg County Land Use and Environmental Services Agency – David Buetow reported that everything is in the supporting range on the latest LUSI map. The bacteriological results from November look good as well. Looking at the November bacteriological results and the most recent results from January side by side shows the difference of a storm-impacted lake. The January sample was taken after a rain event and the numbers are less than great. Mr. Buetow thought this could be attributed to rain and not another source. Commissioner Brennan brought up recent issues with Tega Cay – sewage spills, decaying sewage lines, etc. Sam Perkins with the Catawba Riverkeeper said he would address this issue later in the meeting. Mr. Buetow kindly brought copies of the 1947 Lake Catawba map for each marine commissioner to have. The marine commissioners appreciated this gesture.

Duke Energy – Ronnie Lawson reported.

- Current lake level: 97.1 (target level is 97.0)
- Dredging is occurring at Handsmill (residential marina). The dredge moratorium starts on March 1 and ends June 30 to accommodate fish spawning season.
- Drought Management Group – normal range.

Lake Wylie Lakekeeper Report – Sam Perkins, Catawba Riverkeeper Foundation, reported that:

- People are blowing leaves into the lake. This is problematic. It makes the lake nasty on the bottom and bad for fish spawning. Yard debris will release methane. It may be time for another bulk mailing to the lake front neighbors, advising against dumping leaves in the lake.
- The Lakekeepers had a great kick off meeting in Rock Hill. A main focus this year could be Tega Cay. The Town's terra cotta piping is old and rotting, and causing sewage spills in the lake. Catawba Riverkeeper Foundation is aware of this issue. The person to contact at SC Department of Health and Environment Control (SC DHEC) is Glenn Trofatter (TROFATGE@dhec.sc.gov / 803-898-4233). He is with the SC DHEC Bureau of Water. SC DHEC has issued a notice of violation to Tega Cay. That is a good start.
- Mountain Island Lake Marine Commission – Mr. Perkins is disappointed to see it go. He has heard several different versions of why this is happening. He hopes that this does not impact the LWMC. He said to please let him know if the LWMC needs the Riverkeeper's support.
- Mr. Perkins will do a fly over this Friday to monitor improperly managed sediment.
- Executive Director Stowe brought up the idea of the LWMC making an official complaint about ongoing sewage spills from Tega Cay. Mr. Perkins said to make any complaints to SC DHEC (see above contact information). Commissioner Biggerstaff asked if Tega Cay is being fined. They had a notice of violation presented, but no fines as of yet. Tega Cay Water Services (TCWS) received the notice of violation. TCWS is the older utility in Tega Cay. The town-owned Tega Cay Utilities Department (TCUD) came about after TWCS. If Tega Cay is going to be fined, SC DHEC would do the fining and the money would likely go towards improving their infrastructure. Commissioner Brennan talked about process for solving this problem and asked again who the LWMC needs to speak with at SC DHEC. Mr. Trofatter was named as the person to speak with at SC DHEC. Commissioner Wanless talked about a similar situation in River Hills – broken terra cotta lines and pump station issues. In the case of River Hills, for various reasons, the utility-in-charge has been reluctant to make the needed investment and upgrades. Commissioner Biggerstaff asked if the LWMC should write an official letter to someone in charge. Executive Director Stowe commented that the LWMC does not necessarily have any legal power in this situation. The group should, however, do research and be educated about this situation. A subcommittee was formed to investigate this situation further. Mr. Stowe and Commissioner Brennan will work on this issue and report back to the group in February. Commissioner Wanless added that he thinks the LWMC has power and that he has been coordinating with Legal Counsel Clark. Commissioner Virkler brought up the idea of speaking with Mecklenburg (and other – Gaston and York) County Commissioners. If there is something that the LWMC thinks is important, county commissioners should be informed about it. He said that the LWMC should be more aggressive and let the respective county commissioners know what is going on. The county commissioners can decide whether or not it is important. Mr. Perkins can provide the LWMC with pictures and documentation, if needed. Legal Counsel Clark clarified that the LWMC does have regulatory authority, as written in the enabling legislation. The LWMC is permitted to pass regulations. Commissioner Wanless and Legal Counsel Clark have been collaborating on language for a draft regulation that the LWMC could consider. He went on to

say that historically, the LWMC has chosen to work *with* other agencies (e.g., NC DENR, SC DHEC, NCWRC, et al). His point was that while the LWMC has regulatory authority, it is wise for the LWMC to exercise good judgment on how to proceed. Legal Counsel Clark clarified that the LWMC can make regulations as long as they do not conflict with or supersede rules made by higher government agencies. Examples of higher government agencies are the NC General Assembly or NCWRC. NCWRC is considered a “rule-making body.” The LWMC can pass local ordinances.

Mecklenburg County Park and Recreation – No one was present to report.

Item 6 – Treasurer’s Report

Secretary Treasurer Hull reported that the LWMC is financially sound.

Item 7 – Executive Director’s Report

Executive Director Joe Stowe reported.

- a. 2014 Goal Setting Session – Next Steps: The group was inadvertently sent the 2013 Goal Setting notes instead of the 2014 Goal Setting notes. Ms. Parker will send the group the 2014 notes as soon as possible tomorrow. The next step will be for everyone to review the 2014 notes and to form a subcommittee to prioritize the goals for the year.
- b. Mountain Island Lake Marine Commission Update: Not much more needs to be said on this topic. Executive Director Stowe commented that he has spoken with several Gaston County Commissioners and they reassured him that the LWMC is not in danger of being defunded.
- c. Gaston County Sedimentation Meeting Update: At the request of CD Collins, Executive Director Stowe tried to set up a meeting with Gaston County, the Catawba Riverkeeper and later, NCDENR, to talk about the proposed development of the Daniel Stowe property, with regard to impact on the lake and possible sedimentation. Gaston County staff advised that having a more final set of plans available to review during the meeting would further propel the conversation. This meeting should happen in mid-February. Executive Director Stowe will follow up and get the meeting scheduled.

A little later in the meeting, Commissioner Brennan asked a question about the development on Daniel Stowe property and the more detailed plans that Gaston County staff wants to have in hand before meeting. Mr. Stowe said that the contractor should submit a set of plans to Gaston County staff that will show where storm drains, etc. will be placed. Gaston County staff thought these plans should be delivered in early February.

- d. Congratulations: Executive Director Stowe acknowledged Commissioner Terry Everhart’s upcoming retirement from CMPD and his 24 years of service to Lake Wylie. Mr. Stowe thanked him for his ongoing leadership and everyone present applauded. Mr. Stowe also acknowledged Chairman Thomas for his recent election as Chairman the Chamber of Commerce for Belmont-Mount Holly. This is an honor and also a big job that Chairman Thomas will handle well!

Item 8 – Chairman’s Report

Vice Chairman Smith reported in Chairman Thomas’s absence.

- a. Northern Law Center Update – The location in question is Dale’s Boat Landing adjacent to Belmont. This piece of land was created by sedimentation over the years and has had no proper ownership or anyone to take care of it. The goal is to get the property cleaned up and sorted out – who owns it

(this process is underway; the McAden family has been identified) and ultimately for the City of Belmont to buy the land. If that happens, Belmont City Council has given approval for the LWMC to build a law center on the land.

- b. 2014 Boat Show Update & Schedule – The Mid-Atlantic Boat Show will be in Charlotte from February 6-9 at the Convention Center. The LWMC has a booth again this year and marine commissioners have signed up to staff the booth during the show. Ms. Parker put together a slideshow that will run on a large TV in the LWMC's booth. Chairman Thomas put a staffing schedule together. Vice Chairman Smith handed out copies of that schedule. She requested that if people need to change shifts, that they work it out amongst themselves.
- c. Paul Cameron Spokesman Invitation Update – Vice Chairman Smith introduced the topic and turned it over to Commissioner Brennan. Executive Director Stowe, Chairman Thomas, and Commissioner Brennan met with Paul Cameron at WBTV. Mr. Cameron agreed to serve as spokesman for the LWMC on a limited basis. Also, the station was receptive to the idea of advertising the LWMC and upcoming events, such as boater safety classes, on Saturday mornings. The plan is to invite Mr. Cameron to come by the LWMC booth at the Boat Show for a short period of time to meet and greet people. There is potential for ongoing partnership with Mr. Cameron and WBTV. Commissioner Brennan will follow up with Mr. Cameron about the Boat Show. Executive Director Stowe commented that if he does agree to come by the booth, the LWMC will need to advertise.

Item 9 – Clerk's Report

- a. Ms. Parker passed out the audit report to each marine commissioner. She also distributed each marine commissioner's pass to the Boat Show.

Item 10 – Old/New Business and Commission Project Reports

- Water Quality
 - Clean Marina/Clean Boating – Commissioner Biggerstaff noted that there was not much to report about Clean Marinas. He mentioned that he spoke with CD Collins about sedimentation issues.
 - Invasive Species – Commissioner Virkler reported that there is nothing new to report.
- Buoys – Commissioner Biggerstaff said that he needs to pick up a loose buoy that Ms. Parker let him know about.
- Safety – Commissioner Everhart apologized for jumping ahead of the Water Quality report. He asked that Officer Joye come to the podium. Commissioner Everhart commented on changes to boating laws made by the NC General Assembly. Two rules that have not been reduced to infractions are Careless and Reckless and Boating While Impaired. Many other rules have had their penalties (fines and otherwise) reduced. Officer Joye added that CMPD had a meeting with NCWRC. NCWRC will now patrol and wait until officers see a boater commit a violation, then pull the boat over and do a safety check.
- Recreation – Chairman Thomas was not present to provide a report.
- Public Information – Secretary Treasurer Hull reported that we are trying to keep the website current. Executive Director Stowe commented that we need to have upcoming boater safety classes posted.

Item 11 – Adjournment

The meeting was adjourned at 8:13 pm.

The next LWMC meeting is scheduled for 7:00 pm on Monday, February 24, 2014 at Pleasant Hill Presbyterian Church (15000 York Road, Charlotte, NC).